



Agent's Docket N. 34661/rf

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
OFFICE OF PETITION  
Mail Room for IFW**

In re application of: )

Applicant: Gianni Franco ALESSIO )

Ser. No.: 09/886,117 )

Group Art Unit: 1732 )

Filed: June 22, 2001 )

Examiner: KUHNS, ALLAN R )

Assistant Commissioner for Patents

**PETITION - Mail Room for IFW**

Washington D.C. 20231 USA

**REQUEST FOR RECONSIDERATION OF HOLDING OF  
ABANDONMENT (MPEP 711.03)**

Sir,

Receipt is hereby acknowledged of the Notice of Abandonment dated March 5, 2004, which purports that the application has been abandoned owing to applicant's failure to timely file a proper response to the Office letter mailed on July 18, 2003.

Applicant respectfully requests reconsideration of the holding of abandonment in view of the fact **that there is no abandonment in fact**.

Attention of the Examiner is drawn to the following facts:

- **Applicant's proper reply together with a proper request for three months extension of time**, (hereinafter referred to as "AMENDMENT + PETITION") to the Office letter mailed on July 18, 2003, duly executed by one of the Agents of record, **was timely sent**

via telefax on October 31, 2003 to the United States Patent and Trademark Office. Attached hereto as **EXHIBIT A** is a photocopy of the original AMENDMENT + PETITION executed by the agent of applicant, and sent via telefax on October 31, 2003 to the Office, and including a photocopy of the original "TRANSMISSION RESULT REPORT" for such original AMENDMENT + PETITION indicating the date ("31 OCT.") and time (16:31 hours local Milan time) of facsimile transmission, the telephone number transmitted to ("ADDRESS" - 703-305-7718), the duration of transmission ("TIME" - 0'40") the number of pages sent ("PAGE" - 2), and the result ("RESULT" - OK) of the transmission. The original AMENDMENT + PETITION was found by the undersigned agent, immediately after the undersigned agent became aware of the Notice of Abandonment dated March 5, 2004, in the agent's docket for the present patent application, with the original TRANSMISSION RESULT REPORT stapled thereto. It is a normal procedure in the undersigned agent's firm that persons sending facsimiles attach the TRANSMISSION RESULT REPORT printed by the facsimile machine to each corresponding letter sent by the facsimile machine. Attached hereto as **EXHIBIT B** is a declaration made by the clerk who sent the facsimile to the Office of the original AMENDMENT + PETITION, attesting to the timely transmission of such AMENDMENT + PETITION.

Please check if your facsimile machine was correctly operating on October 31, 2003 on *misfiring* about 10:30 am, Italian local time: 16:30, since we have another/case transmitted to the same facsimile machine immediately before the questioned facsimile transmission.

Based upon the above information, upon the **CERTIFICATE OF TRANSMISSION** duly signed by one of the Agents of record of the original AMENDMENT, and based upon the information of the **TRANSMISSION RESULT REPORT** of the original AMENDMENT, and further based upon the **DECLARATION** made by the clerk who sent the facsimile to the USPTO, the undersigned agent herewith attests that the original AMENDMENT+ PETITION was timely filed in the Office on October 31, 2003.

In view of the foregoing, it is believed that this request for reconsideration of holding of abandonment is justified and should be accepted by the USPTO.

It is respectfully requested that the attached AMENDMENT + PETITION is entered and considered by the Examiner.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Albert JOSIF (Reg. No. 22,917)  
Agent for the Applicant

Date: March 22, 2004  
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Encl.: EXHIBITS A, and B.